UNITED NATIONS **A**

General Assembly

Distr.
GENERAL

A/RES/51/227
16 May 1997

Fifty-first session
Agenda item 120

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Fifth Committee (A/51/643/Add.2)]

51/227. Respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations

The General Assembly,

Recalling that, under Article 105 of the Charter of the United Nations, all officials of the Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization,

Also recalling that, under Article 100 of the Charter, each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities,

Further recalling the Convention on the Privileges and Immunities of the United Nations,[1] the Convention on the Privileges and Immunities of the Specialized Agencies,[2] the Agreement on the Privileges and Immunities of the International Atomic Energy Agency[3] and the United Nations Development Programme Standard Basic Assistance Agreements,

Stressing that respect for the privileges and immunities of officials of the United Nations and the specialized agencies is becoming even more imperative owing to the growing number of assignments entrusted by Member States to the organizations of the United Nations system,

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[1] Resolution 22 A (I).

[2] Resolution 179 (II).

[3] United Nations, Treaty Series, vol. 374, p. 147.

Recalling its resolution 76 (I) of 7 December 1946, in which it approved the granting of the privileges and immunities referred to in articles V and VII of the Convention on the Privileges and Immunities of the United Nations to all members of the staff of the United Nations, with the exception of those who are recruited locally and are assigned to hourly rates,

Also recalling its resolution 43/173 of 9 December 1988, to which is annexed the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, including the principle that all persons under arrest or detention shall be provided whenever necessary with medical care and treatment,

Reiterating the obligation of all officials of the Organization in the conduct of their duties to observe fully both the laws and regulations of Member States and their duties and responsibilities to the Organization,

Mindful of the responsibility of the Secretary-General to safeguard the functional immunity of all United Nations officials,

Mindful also of the importance in this respect of the immediate provision by Member States of adequate information concerning the arrest and detention of staff members and, more particularly, of their granting access to them,

Bearing in mind the responsibility of the Secretary-General to guarantee appropriate standards of justice and due process to United Nations officials,

Recalling the relevant conventions and also its resolution 49/59 of 9 December 1994, by which it adopted the Convention on the Safety of United Nations and Associated Personnel, and its resolution 51/137 of 13 December 1996,

1. Takes note of the report of the Secretary-General on respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations, as well as their security and safety,[4] and of the statement made to the Fifth Committee by the United Nations Security Coordinator on 15 October 1996;[5]

2. Expresses its deep appreciation to United Nations personnel, including those engaged in peacekeeping and humanitarian operations and locally recruited staff, for their efforts to contribute to achieving peace and security and to alleviating the suffering of the people living in areas of conflict;

3. Deplores the risks confronting United Nations personnel, including those engaged in peacekeeping and humanitarian operations and locally recruited staff;

4. Requests the Secretary-General to submit to the General Assembly at its fifty-second session a report on respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations as well as their security and safety;

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[4] A/C.5/51/3.

[5] See Official Records of the General Assembly, Fifty-first Session, Fifth Committee, 7th meeting (A/C.5/51/SR.7), and corrigendum.

5. Also requests the Secretary-General to pay special attention to Member States' restrictions, which may impede the ability of officials of the United Nations and the specialized agencies and related organizations to carry out their functions, and to report thereon to the General Assembly at its fifty-third session.

95th plenary meeting
3 April 1997

A/RES/51/228

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UNITED NATIONS **A**

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A/RES/51/228
16 May 1997

Fifty-first session
Agenda item 165

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Fifth Committee (A/51/844)]

51/228. Financing of the Military Observer Group of the United Nations Verification Mission in Guatemala[1]

The General Assembly,

Having considered the report of the Secretary-General on the financing of the Military Observer Group of the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala[2] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[3]

Recalling Security Council resolution 1094 (1997) of 20 January 1997, in which the Council authorized the attachment to the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala of a group of one hundred and fifty-five military observers and requisite medical personnel for a period of three months,

Recognizing that the costs of the Observer Group are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recognizing also that, in order to meet the expenditures caused by the Observer Group, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

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[1] In accordance with resolution 51/198 B, paragraph 5, the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala has been renamed the United Nations Verification Mission in Guatemala.

[2] A/51/815.

[3] A/51/826.

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874 (S-IV) of 27 June 1963, in the financing of such operations,

Mindful of the fact that it is essential to provide the Observer Group with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. Expresses concern about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear burdens owing to overdue payments by Member States of their assessments;

2. Urges all Member States to make every possible effort to ensure payment of their assessed contributions to the Military Observer Group of the United Nations Verification Mission in Guatemala in full and on time;

3. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;[3]

4. Requests the Secretary-General to take all necessary action to ensure that the Observer Group is administered with a maximum of efficiency and economy;

5. Also requests the Secretary-General to establish a special account for the Observer Group in accordance with paragraph 15 of his report;[2]

6. Decides to appropriate the amount of 4 million United States dollars gross (3,956,300 dollars net) for the operation of the Observer Group for the period from 15 February to 31 May 1997, inclusive of the amount of 3 million dollars gross (2,949,300 dollars net) already authorized by the Advisory Committee on Administrative and Budgetary Questions under the terms of section IV of General Assembly resolution 49/233 A of 23 December 1994;

7. Decides also, as an ad hoc arrangement, to apportion the amount of 4 million dollars gross (3,956,300 dollars net) for the period from 15 February to 31 May 1997 among Member States in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996 and 51/218 A and B of 18 December 1996 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the year 1997, as set out in its resolution 49/19 B of 23 December 1994 and its decision 50/471 A of 23 December 1995;

8. Decides further that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 7 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 43,700 dollars approved for the Observer Group for the period from 15 February to 31 May 1997;

9. Invites voluntary contributions to the Observer Group in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure established by the General Assembly in its resolutions 43/230 of 21 December 1988, 44/192 A of 21 December 1989 and 45/258 of 3 May 1991;

10. Decides to include in the provisional agenda of its fifty-second session the item entitled "Financing of the Military Observer Group of the United Nations Verification Mission in Guatemala".

95th plenary meeting
3 April 1997